REMARKS

In the Office Action, the Examiner has withdrawn allowance of claims 25-28. In view of such withdrawal of the allowed claims, Applicant is resubmitting many of the previously presented claims which were cancelled in the Amendment After Final. Claims 35-52 correspond to previously pending and cancelled claims 1-6, 8-14, 19-21, 23 and 24 respectively. The application now includes independent claims 25, 35 and 46 all of which have been amended.

Except for the claim re-numbering, the following arguments are the same as presented in Applicant's June 28, 2006 Amendment.

Claim 35 is directed towards a cabinet and a door, with a hinge which allows the door "to pivot 270° between a closed position over the front opening of the cabinet and an open position along one of the side walls of the cabinet". This 270° pivoting action of the door is not taught or suggested by any of the cited references. This limitation regarding 270° of pivoting action was previously included in dependent claim 7, now cancelled.

In the Final Office Action, now withdrawn, on page 4, paragraph 3, the Examiner acknowledged that Pedoeem only teaches a swing of 180°. However, the Examiner then asserted that a swing of 270°, as required by the claim, would be obvious to one having ordinary skill in the art since "discovering an optimum value of a result effective variable involves only routine skill in the art", citing *In re Boesch*, 617 F.2d 272, 205 U.S.P.Q. 215 (CCPA 1980). The Examiner further asserts that such a modification "is not critical to the design and would have produced not unexpected results." Applicant traverses this basis for a § 103 rejection.

First, the *Boesch* case in inapplicable, since it was directed towards chemical claims with ranges for particular elements in the chemical composition. Such chemical composition ranges is

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not analogous to structural or physical degree of swing for a hinged door. Furthermore, the Examiner's statement from *Boesch* is incomplete, since the CCPA stated "discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art". (Emphasis added). Furthermore, in *Boesch*, the composition requirements of the claims and the cited references overlapped. 617 F.2d at 276. In the present case, there is no" result effective variable", no "known process", and no overlap of ranges between the claims and cited references, as in *Boesch*. Therefore, *Boesch* is easily distinguishable and inapplicable to the present invention.

The primary reference Pedoeem expressly limits the pivoting action of the door relative the cabinet to 180°, as evidenced by the title of Pedoeem, the Abstract, the Background of the Invention, the Summary of the Invention, the Detailed Description, and the drawings. Pedoeem expressly teaches away from a door which pivots 270° relative the cabinet, as required by claim 35. The Federal Circuit has clearly stated that it is not obvious to modify a prior art reference in a manner inconsistent with the reference. *In re Gorden*, 733 F2d 900, 902 (Fed. Cir. 1984). Therefore, it cannot be obvious to modify Pedoeem from 180° to 270° pivotal action, as suggested by the Examiner.

Furthermore, none of the secondary references of Hedstrom, Erickson, or Morgan, disclose a hinge which pivots more than 180°. Since none of the references teach a 270° hinge, claim 35 distinguishes over the prior art so as to be in proper form for allowance.

Claims 36-45, and 33 depend from claim 35 and should be allowable as depending from an allowable base claim.

Claim 37 further distinguishes over the references by requiring that the door leaf is fully enclosed within the door so as to be hidden from view when the door is open. None of the cited

references meet this limitation. In Pedoeem, the door leaf 103 is visible at least when the door is open, as seen in Figure 4. In Hedstrom, the door leaf 14 is visible when the door is open. In Erickson, all the leaves are visible when the door is open, as seen in Figure 2. In Morgan, the leaves are all visible when the door is open, as seen in Figure 6. Since none of the references meet the limitation of claim 37 that the door leaf be fully enclosed within the door and hidden from view when the door is open, claim 3 further distinguishes over the cited references.

New dependent claim 33 requires that the door have a front face and a perpendicular edge with a slot therein, with the intermediate leaf extending through the door slot. The cited references do not meet this limitation. In Pedoeem, the door has a front face and a perpendicular side edge (adjacent reference numeral 202 in Figure 2), but there is no slot in the perpendicular side edge. While the Hedstrom, Erickson and Morgan patents have openings in the side edge, none of such openings constitute slots. Furthermore, there is no way to modify the Pedoeem side edge so as to provide either a slot therein, or an opening as in the secondary references, since the openings in the secondary references reside in a plane perpendicular to the front face of the door, whereas the opening in the Pedoeem door resides in a plane parallel to the front face of the door. There is no evidence in the cited references that such a modification is desirable, solves any problems, or otherwise would be beneficial. Therefore, there is no motivation for combining Pedoeem with the secondary references so to meet the limitations of claim 33. Accordingly, claim 33 further distinguishes over the references so as to be in proper form for allowance.

Independent claim 46 requires that the door leaf of the hinge be "hidden within the door when the door is in both the open and closed positions." Claim 46 also provides that the door have a front face and a perpendicular side edge with a slot in the side edge. Claim 46 further requires that the intermediate leaf have a middle portion extending through the door slot. Thus,

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claim 46 includes the limitations similar to claims 37 and 33, discussed above. Since the references, alone or in combination, fail to teach a door leaf hidden within the door when the door is in the open and closed positions, and fail to teach an intermediate leaf extending through a slot in a perpendicular side edge of the door, claim 13 distinguishes over the references so as to be in proper form for allowance.

Claims 47-52 and 34 depend from claim 46, and should be allowable as depending from an allowable base claim.

Claim 34 provides that the hinges pivot the door "270° between a closed position over the door opening and an open position parallel to the side walls." This limitation is similar to the limitation of claim 35, discussed above, with respect to the 270° pivoting action of the door on the hinges. Again, since none of the cited references show a 270° pivoting door, claim 34 distinguishes over the references so as to be allowable.
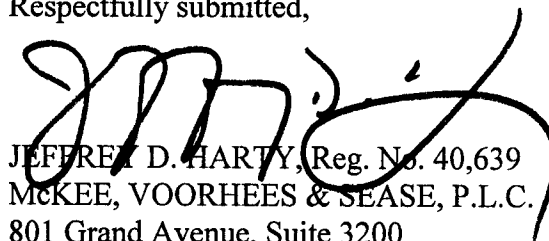
Independent claim 25 has been amended to provide for "an inclined cam ramp on at least one of the leaves for controlling the order of operation of the leaves." In the final office action (now withdrawn), the Examiner asserts that Pedoeem has a cam ramp 110 to delay pivotal movement about the second pin until pivotal movement about the first pin is complete. However, element 110 of Pedoeem is simply a notch, as described at column 2, lines 40-48, which allows 90° rotation and prohibits further rotation. The notch 110 is not an inclined ramp and does not function to control order of operation of the hinge leaves.

Therefore, claim 25, and dependent claims 26 and 27, distinguish over the cited references so as to be allowable.

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No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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